

S. J. R. 14 Sub for HJR 13 - pg 48 + N. J.
Tabled 2-1-61 - S. J. R. 174
January 26, 1961.
Passed on File.

S. J. R. 14
By COMMITTEE ON JUDICIARY 1.

Passed Senate, Date *2-1-61*

Passed House, Date *2-23-61*

Vote: Ayes *40* Nays *12*

Vote: Ayes *85* Nays *22*

Approved.....

SENATE JOINT RESOLUTION

Proposing to amend Article Five (V) of the Constitution of the State of Iowa relating to the supervisory and administrative control of the inferior courts by the Supreme Court; to the qualifications, selection, tenure, compensation, powers and duties of judicial nominating commission members, judges and other judicial officers and to the mandatory retirement with compensation of judges of the Supreme and District Courts.

Be It Resolved by the General Assembly of the State of Iowa:

- 1 Section 1. An amendment to the Constitution of the State of
- 2 Iowa as it appears in the Code of 1958 is proposed as follows:
- 3 Article Five (V) is amended in the following manner:
- 4 1. Section four (4) is amended by striking from lines
- 5 eight (8) and nine (9) of such section the words, "exercise
- 6 a supervisory" and inserting in lieu thereof the words, "shall
- 7 exercise a supervisory and administrative".
- 8 2. Sections three (3), five (5), nine (9) and eleven
- 9 (11) are repealed.
- 10 3. The following sections are added thereto:
- 11 "Section 15. Vacancies in the Supreme Court and District
- 12 Court shall be filled by appointment by the Governor from lists
- 13 of nominees submitted by the appropriate judicial nominating
- 14 commission. Three nominees shall be submitted for each Supreme
- 15 Court vacancy, and two nominees shall be submitted for each
- 16 District Court vacancy. If the Governor fails for thirty days
- 17 to make the appointment, it shall be made from such nominees by

18 the Chief Justice of the Supreme Court.

19 "Section 16. There shall be a State Judicial Nominating
20 Commission. Such commission shall make nominations to fill
21 vacancies in the Supreme Court. Until July 4, 1973, and there-
22 after unless otherwise provided by law, the State Judicial
23 Nominating Commission shall be composed and selected as follows:
24 There shall be not less than three nor more than eight appointive
25 members, as provided by law, and an equal number of elective
26 members on such Commission, all of whom shall be electors of the
27 state. The appointive members shall be appointed by the Governor
28 subject to confirmation by the Senate. The elective members shall
29 be elected by the resident members of the bar of the state. The
30 judge of the Supreme Court who is senior in length of service on
31 said Court, other than the Chief Justice, shall also be a member
32 of such Commission and shall be its chairman.

33 "There shall be a District Judicial Nominating Commission
34 in each judicial district of the state. Such commissions shall
35 make nominations to fill vacancies in the District Court within
36 their respective districts. Until July 4, 1973, and thereafter
37 unless otherwise provided by law, District Judicial Nominating
38 Commissions shall be composed and selected as follows: There
39 shall be not less than three nor more than six appointive members,
40 as provided by law, and an equal number of elective members on
41 each such commission, all of whom shall be electors of the dis-
42 trict. The appointive members shall be appointed by the Governor.
43 The elective members shall be elected by the resident members of
44 the bar of the district. The district judge of such district
45 who is senior in length of service shall also be a member of
46 such commission and shall be its chairman.

47 "Due consideration shall be given to area representation
48 in the appointment and election of Judicial Nominating Commis-
49 sion members. Appointive and elective members of Judicial
50 Nominating Commissions shall serve for six year terms, shall be
51 ineligible for a second six year term on the same commission,
52 shall hold no office of profit of the United States or of the
53 state during their terms, shall be chosen without reference to
54 political affiliation, and shall have such other qualifications
55 as may be prescribed by law. As near as may be, the terms of
56 one-third of such members shall expire every two years.

57 "Section 17. Members of all courts shall have such tenure
58 in office as may be fixed by law, but terms of Supreme Court
59 Judges shall be not less than eight years and terms of District
60 Court Judges shall be not less than six years. Judges shall
61 serve for one year after appointment and until the first day of
62 January following the next judicial election after the expiration
63 of such year. They shall at such judicial election stand for
64 retention in office on a separate ballot which shall submit the
65 question of whether such judge shall be retained in office for
66 the tenure prescribed for such office and when such tenure is a
67 term of years, on their request, they shall, at the judicial
68 election next before the end of each term, stand again for re-
69 tention on such ballot. Present Supreme Court and District Court
70 Judges, at the expiration of their respective terms, may be re-
71 tained in office in like manner for the tenure prescribed for
72 such office. The General Assembly shall prescribe the time for
73 holding judicial elections.

74 "Section 18. Judges of the Supreme Court and District
75 Court shall receive salaries from the state, shall be members

76 of the bar of the state and shall have such other qualifications
77 as may be prescribed by law. Judges of the Supreme Court and
78 District Court shall be ineligible to any other office of the
79 state while serving on said court and for two years thereafter,
80 except that District Judges shall be eligible to the office of
81 Supreme Court Judge. Other judicial officers shall be selected
82 in such manner and shall have such tenure, compensation and
83 other qualification as may be fixed by law. The General Assembly
84 shall prescribe mandatory retirement for Judges of the Supreme
85 Court and District Court at a specified age and shall provide
86 for adequate retirement compensation. Retired judges may be
87 subject to special assignment to temporary judicial duties by
88 the Supreme Court, as provided by law."

1 Sec. 2. The foregoing proposed amendment to the Constitution
2 of Iowa, having been adopted and agreed to by the Fifty-eighth
3 (58th) General Assembly, thereafter duly published, and now
4 adopted and agreed to by the Fifty-ninth (59th) General Assembly
5 in this Joint Resolution, shall be submitted to the people at a
6 special election to be held for that purpose at the same time
7 and in conjunction with the primary election to be held for the
8 selection of political party candidates for public office in the
9 year nineteen hundred sixty-two (1962). The submission at said
10 special election shall in all respects be governed and conducted
11 as prescribed by law for the submission of a Constitutional
12 amendment at a general election.

S. J. R. 14

- 1 Amend Senate Joint Resolution 14 as follows:
- 2 By striking from line 79 of section 1 the following:
- 3 "and for two years thereafter".

Filed
January 30, 1961.

Let 2-H1

By POTTER.

SENATE JOINT RESOLUTION 14

- 1 Amend Senate Joint Resolution 14, section 1, by
- 2 adding at the end of line 18 the following:
- 3 "Such nominees shall be appointed without regard
- 4 to their political affiliation, their race, color or
- 5 creed, and only on the basis of their judicial
- 6 qualifications."

Filed
January 27, 1961.

By VANCE.

S. J. R. 14

- 1 Amend Senate Joint Resolution 14, section 1 as follows:
- 2 1. Amend Senate Joint Resolution 14, by inserting
- 3 after the word "state" in line 29 the following "in such manner
- 4 as provided by law".
- 5 2. By inserting after the word "district" in line 42 the
- 6 following "in such manner as provided by law".
- 7 3. By striking from line 50 the words "shall serve for six
- 8 year terms," and by striking from line 51 the words "six
- 9 year".
- 10 4. By striking in lines 55 and 56 the words "As near as may be,
- 11 the terms of one-third of such members shall expire every two
- 12 years.", and inserting in lieu thereof the words "As near as may
- 13 be, the terms of such members first appointed and elected here-
- 14 under shall be one-third for two years, one-third for four years
- 15 and one-third for six years, and thereafter for a term of six
- 16 years."
- 17 5. By striking the period (.) in line 60 and adding the
- 18 following words "subject to the condition that such".
- 19 6. By striking the period (.) in line 63 and adding the
- 20 following word "when".
- 21 7. By striking the following in lines 66 and 67 "when such
- 22 tenure for a term of years,".
- 23 8. Insert after the comma (,) in line 75 the following "which
- 24 salaries shall not be diminished during the term for which they
- 25 have been appointed,".

Filed
January 30, 1961.

By NOLAN.

S. J. R. 14

- 1 Amend Senate Joint Resolution 14 as follows:
- 2 1. Insert after the word "commission" in line 14 of section 1
- 3 the following words: "subject to confirmation by the Senate".
- 4 2. Insert after the word "court" in line 18 of section 1 the
- 5 following words: "subject to confirmation by the Senate".
- 6 3. Insert after the word "governor" in line 42 of section 1
- 7 the following words: "subject to confirmation by the Senate".

Filed
January 31, 1961.

By PRENTIS and PUTNEY.

S. J. R. 14

- 1 Amend Senate Joint Resolution 14, Section 1, as follows:
- 2 By inserting in line 76 after the word "state" the following
- 3 "and who shall not have attained their fiftieth year of age
- 4 when appointed".

Filed
January 31, 1961.

By WALKER.

S. J. R. 14

- 1 Amend Senate Joint Resolution 14, section 1 by
- 2 striking lines 19 to 56, inclusive, and inserting in
- 3 lieu thereof the following:
- 4 "Section 16. There shall be a state judicial
- 5 nominating commission as shall be provided by law.
- 6 The commission shall make nominations to fill vacancies
- 7 in the supreme court. There shall also be a district
- 8 judicial nominating commission in each judicial district
- 9 of the state as shall be provided by law. Such
- 10 commissions shall make nominations to fill vacancies in
- 11 the district court within their respective districts."

Filed and lost
February 1, 1961.

By MOORE.

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